

The volume control limitations placed on the quantity of Florida celery handled for fresh shipment have not restricted the quantity of Florida celery actually produced or shipped to fresh markets in recent years, because production and shipments have been less than the marketable quantities established. Thus, regulating volume has been inconsequential.

The committee recommended suspension, not termination, of the marketing order to allow the industry an opportunity to recover. Florida's share of the domestic celery market has declined, but committee members remain optimistic that, in time, the Florida celery industry may regain its former position. If the industry should recover, the committee would like to maintain the option of reactivating the Federal marketing order.

Under the suspension, the industry will be able to monitor the status of celery production in Florida for the next three marketing seasons. A meeting will be held prior to December 1997, to discuss the condition of the industry. At that time, a determination will be made to recommend reactivation, continuation of the suspension, or termination of the order. The recommendation would require the approval of the Secretary. If conditions improve enough to convince the industry that the order would be effective before the conclusion of the suspension period, a recommendation could be made to the Secretary to remove the suspension at that time.

Therefore, based on the foregoing considerations, it is found that Federal Marketing Order No. 967, and the rules and regulations issued thereunder, do not tend to effectuate the declared policy of the Act. This action suspends, through December 31, 1997, the provisions of Federal Marketing Order No. 967 and the rules and regulations issued thereunder, including but not limited to, the:

- (1) Provisions of the order dealing with the establishment and responsibilities of the committee and the administration of the order;
- (2) Any rule or regulation, including a budget and assessment rule [59 FR 52411, October 18, 1994] and volume control regulations [59 FR 49571, September 29, 1994] issued for the 1994-95 marketing season, and research and development projects;
- (3) Provisions of the order dealing with expenses and the collection of assessments; and
- (4) Information collection and reporting requirements (In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), such

requirements have been approved by the Office of Management and Budget and assigned OMB Control No. 0581-0145).

During the suspension period, all committee members and their alternates will serve as trustees. The trustees will be responsible for overseeing the administrative affairs of the order. This includes completing the committee's unfinished business, ensuring termination of all outstanding agreements, contracts, and the payment of all obligations. The trustees will also be responsible for safeguarding program assets, and arranging for a financial audit to be conducted. All such actions by the trustees during the period of suspension are subject to the approval of the Secretary. Those designated as trustees are: Mr. Pat Ferlise, Chairperson, Mr. Thomas L. Brown, Vice-Chairperson, Mr. L. E. Duff, Secretary/Treasurer, Mr. Tony Woodham, Mr. David L. Young, Mr. F. S. Duda, Mr. Charles E. Allison, Mr. Glenn R. Rogers, Mr. W. Rex Clonts, Sr., Mr. W. Rex Clonts, Jr., Mr. Felix Ferlise, Mr. Henry M. Daniels, Mr. Milton Ferlise, Mr. Dan Duda, Mr. Francis J. McCarthy, Mr. Walter Duda, Mr. Bill Grindstaff. The trustees shall continue in their capacity as long as they are eligible to serve as provided in § 967.26 of the order, and until the order is reactivated or terminated, unless they are discharged by the Secretary.

The remainder of the reserves, after immediate expenses are paid, will be held by the trustees to be used to cover unforeseen, outstanding expenses obligated by the committee. Such funds could also be used by the trustees to pay for necessary start-up costs should the order, at the determination of the Secretary, be reactivated. When a final determination is made regarding the order, any remaining funds will be used or disbursed in accordance with the appropriate order provisions.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure with respect to this action because: (1) This action relieves restrictions on handlers by suspending the requirements regulating the handling of celery pursuant to Marketing Order No. 967; (2) handlers are aware of this action, which was discussed and recommended at a meeting held by the committee; and (3) no useful purpose would be served

by delaying the suspension of the marketing order.

List of Subjects in 7 CFR Part 967

Marketing Agreements, Celery, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, under the authority of 7 U.S.C. 601-674, 7 CFR Part 967, is suspended effective January 12, 1995 through December 31, 1997.

Dated: January 6, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-727 Filed 1-11-95; 8:45 am]

BILLING CODE 3410-02-P

Rural Utilities Service

7 CFR Part 1773

Correction of Typographical Error

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule correction of typographical error.

SUMMARY: This document corrects a typographical error in a final rule published by the Rural Utilities Service (RUS) on December 27, 1994, at 59 FR 66438. This regulation revised nomenclature in agency regulations to reflect the reorganization of the Department of Agriculture mandated by recent legislation.

EFFECTIVE DATE: December 27, 1994.

FOR FURTHER INFORMATION CONTACT: Sue Arnold, Financial Analyst, Program support Staff, Rural Utilities Service, room 2234, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500, telephone number 202-720-0736; FAX 202-720-4120.

SUPPLEMENTARY INFORMATION: This correction affects revisions to definitions in 7 CFR Part 1773. The published document, in the second column of page 66440 cites the incorrect section of part 1773. The definitions revised are actually in section 1773.2. To avoid confusion, RUS is correcting this error.

Therefore, 7 CFR Part 1773 is corrected as follows:

1. The authority citation for part 1773 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; Pub.L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

2. In the second column of page 66440, in amendatory instruction number 25 "1773.3" is corrected to read "1773.2".

Dated: January 9, 1995.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 95-788 Filed 1-11-95; 8:45 am]

BILLING CODE 3410-15-P

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 94-009-3]

Brucellosis in Cattle; State and Area Classifications; California

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of California from Class Free to Class A. We have determined that California no longer meets the standards for Class Free status. The interim rule was necessary to impose certain restrictions on the interstate movement of cattle from California.

EFFECTIVE DATE: February 13, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, Veterinary Services, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January. Telephone: (301) 436-4918 (Hyattsville); (301) 734-4918 (Riverdale).

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on September 16, 1994 (59 FR 47533-47534, Docket No. 94-009-2), we amended the brucellosis regulations in 9 CFR part 78 by removing California from the list of Class Free States in § 78.41(a) and adding it to the list of Class A States in § 78.41(b).

Comments on the interim rule were required to be received on or before November 15, 1994. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act,

Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.41 and that was published at 59 FR 47533-47534 on September 16, 1994.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 6th day of January 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-807 Filed 1-11-95; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Part 97

[Docket No. 94-131-1]

Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Veterinary Services by adding a commuted traveltime allowance for Helena, Montana. Commuted traveltime allowances are the periods of time required for Veterinary Services employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Veterinary Services employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime for this location.

EFFECTIVE DATE: January 12, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Louise R. Lothery, Director, Resource Management Support, Veterinary Services, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20783. The

telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January. Telephone: (301) 436-7517 (Hyattsville); (301) 734-7517 (Riverdale).

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR, chapter I, subchapter D, and 7 CFR, chapter III, require inspection, laboratory testing, certification, or quarantine of certain animals, animal byproducts, plants, plant products, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Veterinary Services (VS) on a Sunday or holiday, or at any other time outside the VS employee's regular duty hours, the Government charges a fee for the services in accordance with 9 CFR part 97. Under circumstances described in § 97.1(a), this fee may include the cost of commuted traveltime. Section 97.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for VS employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 97.2 of the regulations by adding a commuted traveltime allowance for Helena, Montana. The amendment is set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.